

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

CINDY ROUGEAU, *et al.*, individually and on:
behalf of all others similarly situated, :

Plaintiffs, :

v. :

AETNA INC.; and AETNA LIFE
INSURANCE COMPANY, :

Defendants. :

Case No: 3:23-cv-00635-VDO

November 10, 2023

**DEFENDANTS AETNA INC. AND AETNA LIFE INSURANCE COMPANY’S
UNOPPOSED MOTION TO STAY DEADLINE TO ANSWER**

Defendants Aetna Inc. and Aetna Life Insurance Company (collectively, “Aetna”) respectfully move to stay the deadline to answer or otherwise respond to the Consolidated Class Action Complaint (“Complaint”), pending a ruling by the United States Judicial Panel on Multi-District Litigation (“JPML”) on a motion to transfer and centralize this action into multi-district litigation (“MDL”) proceedings. Plaintiffs do not oppose this Motion.

In support of this Motion, Aetna states:

1. On September 20, 2023, Plaintiffs filed their Complaint in this action (ECF No. 66), asserting various common law and statutory claims against Aetna arising from a criminal third-party cyberattack involving software owned by Fortra, LLC (the “Fortra Data Incident”).
2. Aetna’s current deadline to respond to the Complaint is November 20, 2023. ECF No. 65.

3. On October 16, 2023, NationsBenefits, LLC (“NationsBenefits”), a defendant named in a parallel proceeding pending in the Southern District of Florida,¹ filed with the JPML a motion to transfer and centralize dozens of related lawsuits arising from the Fortra Data Incident—including this matter. *See In re Fortra File Transfer Software Data Security Breach Litig.*, MDL Docket No. 3090, ECF No. 1.
4. If the JPML grants NationsBenefits’s motion, the case pending before this Court will be transferred to the District of Minnesota for centralization as an MDL with the dozens of other lawsuits related to the Fortra Data Incident.
5. Good cause exists for the requested stay. The requested stay will allow the JPML to resolve the question of whether this action should be transferred out of this district and centralized into an MDL under 28 U.S.C. § 1407. *See Pierre v. Prospect Mortg., LLC*, No. 1:13-CV-453 NAM/RFT, 2013 WL 5876151, at *2 (N.D.N.Y. Oct. 31, 2013)(“[I]t is rather common for courts to stay cases pending a motion for MDL.”); *see, e.g., Ritchie Cap. Mgmt., LLC v. Gen. Elec. Cap. Corp.*, 87 F. Supp. 3d 463, 470 (S.D.N.Y. 2015) (granting request to stay case pending JPML’s decision on pending motion to transfer and centralize).
6. The stay will avoid what might ultimately prove to be the unnecessary expenditure of resources by the parties and the Court if the JPML ultimately approves centralization. *See Brawner v. Bank of Am., N.A.*, No. 09-2073-JWL, 2009 WL 10688000, at *1 (D. Kan. Dec. 21, 2009) (noting the “clear majority” of courts have stayed pretrial proceedings while motion to transfer and consolidate is pending with the JPML “because of the judicial resources that are conserved”) (collecting cases).

¹ *Skurauskis v. NationsBenefits Holdings, LLC*, No. 23-cv-60830 (S.D. Fla.).

7. The requested stay is not made for purpose of delay but rather to ensure that the litigation proceeds in an efficient matter. *See, e.g., Glazer v. Whirlpool Corp.*, No. 1:08-CV-1624, 2008 WL 4534133, *2 (N.D. Ohio Oct. 6, 2008) (granting opposed request to stay proceedings pending a ruling on a motion to transfer before the JPML because the stay would “not significantly prejudice the Plaintiff” and would preserve “judicial economy”).
8. Counsel for Aetna conferred with Plaintiffs’ counsel regarding the requested stay. Plaintiffs do not oppose this Motion.
9. The time to answer or otherwise respond to the Complaint has not passed and in accordance with Local Rule 7(b)(3), this request is timely.
10. Accordingly, Aetna respectfully requests that its deadline to answer or otherwise respond to the Complaint be stayed until the JPML rules on NationsBenefits’s pending motion. If the JPML denies the motion, Aetna will answer or otherwise respond to the Complaint within thirty (30) days of such a ruling and resume the briefing cadence as set by the Court in its August 24, 2023, order. ECF No. 65.

Respectfully submitted this 10th day of November, 2023.

ROBINSON & COLE, LLP

/s/ Theodore J. Tucci

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*Counsel for Aetna Inc. &
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CERTIFICATE OF SERVICE

I hereby certify that on this day, I caused the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of the filing to all counsel of record.

This 10th day of November, 2023.

/s/ Theodore J. Tucci

Theodore J. Tucci

*Counsel for Aetna Inc. and
Aetna Life Insurance Company*